

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MICHELLE LOSCALZO,

Plaintiff,

- against -

NEW ROC MOTORCYCLES, LLC

Defendant.

**Case No.: 07 CIV 3046
(CLB)**

**DECLARATION OF MARY ELLEN DONNELLY IN SUPPORT OF
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Mary Ellen Donnelly, pursuant to 28 U.S.C. § 1746, hereby declares:

1. I am a member of the firm Putney, Twombly, Hall & Hirson LLP, attorneys for Defendant New Roc Motorcycles, LLC (“New Roc”) and am fully familiar with the facts and circumstances set forth herein.
2. I submit this declaration in support of NewRoc’s motion for summary judgment dismissing Plaintiff’s retaliation claims in the entirety, together with such other and further relief as may be just and proper.
3. A copy of Plaintiff’s Amended Complaint, filed on August 21, 2007, is attached as Exhibit 1.
4. A copy of Defendant’s Amended Answer, filed on September 11, 2007, is attached as Exhibit 2.
5. A copy of Plaintiff’s Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”), filed on March 5, 2007, alleging sex discrimination and retaliation, is attached as Exhibit 3.

6. A copy of the Plaintiff's Right to Sue letter from the EEOC, dated April 3, 2007, is attached as Exhibit 4.

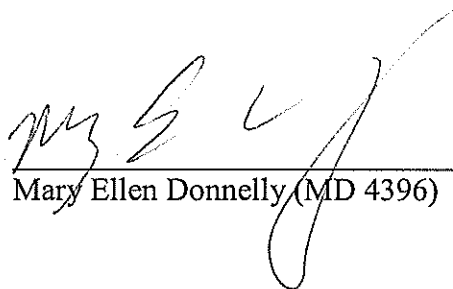
7. A copy of COBRA's Continuation Coverage Procedure, is attached as Exhibit 5.

8. A copy of Plaintiff's Complaint, filed on April 16, 2007, is attached as Exhibit 6.

9. A copy of Defendant's Answer, filed on May 24, 2007, is attached as Exhibit 7.

10. A copy of an email from Plaintiff to Ms. Massa, dated June 20, 2007, is attached as Exhibit 8.

Dated: December 7, 2007
New York, New York

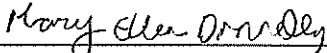


Mary Ellen Donnelly (MD 4396)

CERTIFICATE OF SERVICE

The undersigned, a member of the Bar of this Court, hereby certifies that she caused a true and accurate copy of the foregoing Declaration of Mary Ellen Donnelly in Support of Defendant's Motion to Dismiss to be served via electronic filing and overnight mail on December 7, 2007 upon:

Jeffrey M. Bernbach
Attorney for Plaintiff
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White Plains, New York, NY 10601


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